

**SUBJECT:** AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY ACCEPTING TITLE TO TRACT L-1D, SETTLERS BAY SUBDIVISION UNIT NO. 10, ACCORDING TO PLAT NO. 2017-147, AND TRACT B, SECLUDED POINT, ACCORDING TO PLAT NO. 2015-161, AND AUTHORIZING THE MANAGER TO ENTER INTO A CONSERVATION EASEMENT AGREEMENT WITH GREAT LAND TRUST, INC. FOR PURPOSE OF CONSERVING THE PROPERTY IN PERPETUITY, AND APPROPRIATING \$35,000.00 FROM THE LAND MANAGEMENT OPERATING BUDGET, FUND 203, FOR THE BOROUGH'S PORTION OF COST TO PURCHASE THE PROPERTY (MSB007279).

**AGENDA OF:** March 6, 2018

**ASSEMBLY ACTION:**

*OR 18-006 - Public Hearing held &  
Adopted w/o objection @ 3/20/18*

**MANAGER RECOMMENDATION:** Introduce and set for public hearing.

**APPROVED BY JOHN MOOSEY, BOROUGH MANAGER:**

Route To:	Department/Individual	Initials	Remarks
	Originator	<i>WSC</i>	
	Community Development Director	<i>EP</i>	
	Finance Director	<i>OK</i>	
	Borough Attorney	<i>MS</i>	
	Borough Clerk	<i>JRM</i>	<i>2/20/18</i>

**ATTACHMENT (S) :** Fiscal Note: YES ☒ NO ☐

Vicinity Map (1 pp)

Conservation Easement Map (1 pp)

Public Comment (2 pp)

Parks, Recreation, And Trails Advisory Board  
Resolution No. 17-03 (2 pp)

Ordinance Serial No. 18-006 (4 pp)

**SUMMARY STATEMENT:**

The Matanuska-Susitna Borough has an opportunity to receive property abutting Knik Arm in the Settlers Bay and Secluded Point subdivisions, known as the Settlers Bay Coastal Park. A requirement of conveyance is that the borough shall enter into an agreement with Great Land Trust, Inc. to place a Conservation Easement over the subject property in perpetuity for purpose of

protecting the significant natural, scenic, and open space features and values.

**DISCUSSION:**

Great Land Trust, Inc. brokered the purchase of the subject property owned by Settlers Bay Golf Course LLC. Conditions of the purchase include transferring title directly to the borough for management and placement of a conservation easement over the property ensuring public access and resource conservation in perpetuity.

The property being conveyed is of great value to the residents of the borough and the state of Alaska in general, and is worthy of preservation. There is significant aquatic and wildlife resources, and a diverse terrain of upland forest, estuarine, riparian, riverine, and wetland habitat that directly contribute to the health of the ecosystem in the region.

The property was appraised in July 2016 by MacSwain Associates, LLC who determined the fair market value to be \$1,100,000. Great Land Trust, Inc. received partial funding for acquisition of the property through the Alaska Department of Fish and Game, Alaska Sustainable Salmon Fund via NOAA Grant and the Pacific Coast Salmon Recovery - Pacific Salmon Treaty Program, Strategic Conservation of Priority Salmon Habitat in Southcentral Alaska. Through grants, state funding, and fundraising efforts by Great Land Trust, the majority of cost to purchase is covered; however, the borough has agreed, contingent upon assembly approval, to provide \$35,000 to Great Land Trust from the Land & Resource Management operating budget to assist with acquisition costs.

Pursuant to borough code and Title 23, a Phase One Environmental Assessment was conducted by BGES, Inc. in August 2017 with no hazardous sites identified or environmental issues noted.

The Conservation Easement document for Settlers Bay Coastal Park outlines three areas of unique value where restricted and graduated development and use is laid out. The areas are shown on the Conservation Easement Map attached herein, and basic premises of these areas are as follows:

Area 1. The Resource Protection Area seeks to protect natural resources in an undisturbed state to the fullest extent possible. Regulatory signage and any existing improvements are allowed in this protected area.

Area 2. The Restricted Use Area protects natural habitat and scenic view sheds by limiting development to things such as boardwalks, viewing platforms, trails and educational signage.

Area 3. The Limited Development Area is the most unrestricted land use and development area, subject to minimal constraints. Use and development within this area will allow for parking, picnic tables, restrooms, gazebos, park host accommodations, roadways and utilities, and similar type uses.

All development and use within the property is specifically outlined and controlled by the Conservation Easement document which will be recorded upon conveyance of the property to the borough. There is an existing access within the property that connects Settlers Bay Drive on the north and west boundaries of the property. Both ends of this access are gated with approved borough permit and are currently open to pedestrian use only. Additionally, the Wet Gulch Trail runs through the Resource Protection Area (Area 1) as shown on the Conservation Easement Map. Pursuant to A.S. 19.30.400 and other legal authority, the State of Alaska asserts this as an existing right-of-way identified as RST 1710. Historically, the use of this trail dates back to 1907 and based on historical evidence, has been mapped by the Department of Natural Resources (DNR). Existing use of and access through the subject property will be identified in the Baseline Document as part of the Conservation Easement agreement.

Internal borough department review was initiated with no objections received and public notice was implemented with 698 notices sent out. Three responses were received in response to the public notice, two of which are attached herein and one received by telephone. Concern over how the park was to be developed and managed was the focus of concern. Current pedestrian use and existing access to the waters of the U.S. will not be impeded or closed, and some form of signage is planned to provide guidance for the existing motorized trails within the property. At this time the MSB Recreation Division has no plans for further development of the park until funding is approved for sustainable trails, viewing platforms, interpretive/educational signage, restrooms, picnic areas, parking, maintenance, and staffing. Without funding such development could be years in the making, but the donation and acceptance of the such valuable property seems worthy enough to outweigh the lack of funding for development.

The Matanuska-Susitna Borough Parks, Recreation and Trails Advisory Board adopted Resolution 17-03 on April 24, 2017 in support of the acquisition and conservation easement.

Much like the Butte Summit acquisition with very similar conservation easement, acquisition and conservation of the Settlers Bay Coastal Park property will preserve valuable

habitat, resources and areas of unique scenic value. It will also provide educational opportunities, provide open space for recreation, and offer controlled easements and rights-of-way within designated use areas. Entering into a conservation agreement with Great Land Trust, Inc. will assure responsible management of high-value recreational land and provide great benefit to the public in perpetuity.

**AUTHORITY:**

MSB 23.05.030 states the borough may acquire real property by donation or partial donation if the donation benefits the borough and is accepted by the assembly or manager. The land acquisition brokered and paid for by Great Land Trust, with exception of \$35,000 to be paid by the borough, is considered a donation by Great Land Trust to the borough.

**RECOMMENDATION OF ADMINISTRATION:**

Approval by the Matanuska-Susitna Borough Assembly accepting title to Tract L-1D, Settlers Bay Subdivision Unit No. 10, according to Plat No. 2017-147, and Tract B, Secluded Point according to Plat No. 2015-161, and authorizing the manager to enter into a Conservation Easement Agreement with Great Land Trust, Inc. for purpose of conserving the property in perpetuity, and appropriating \$35,000.00 from the Land Management Operating Budget, Fund 203, for the borough's portion of cost to purchase the property.



MATANUSKA-SUSITNA BOROUGH  
FISCAL NOTE

Agenda Date: March 6, 2018

SUBJECT: An ordinance of the Matanuska-Susitna Borough Assembly accepting title to Tract L-1D, Settlers Bay Subdivision Unit No. 10, according to Plat No. 2017-147, and Tract B, Secluded Point, according to Plat No. 2015-161, and authorizing the manager to enter into a Conservation Easement Agreement with Great Land Trust, Inc. for purpose of conserving the property in perpetuity, and appropriating \$35,000.00 from the Land Management Operating Budget, Fund 203, for the borough's portion of cost to purchase the property (MSB007279).

ORIGINATOR:

FISCAL ACTION (TO BE COMPLETED BY FINANCE)	FISCAL IMPACT <u>YES</u> NO
AMOUNT REQUESTED \$35,000.00	FUNDING SOURCE <u>Land Mgt Operating Budget</u>
FROM ACCOUNT # 203.170.141.429.900	PROJECT #
TO ACCOUNT :	PROJECT #
VERIFIED BY: <u>Barbara Jaurigott</u>	CERTIFIED BY:
DATE: <u>2/20/18</u>	DATE:

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING	FY2018	FY2019	FY2020	FY2021	FY2022	FY2023
Personnel Services						
Travel						
Contractual						
Supplies						
Equipment						
Land/Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING						

CAPITAL	<u>35</u>					
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REVENUE						
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FUNDING:

(Thousands of Dollars)

General Fund						
State/Federal Funds						
Other	<u>35</u>					
TOTAL	<u>35</u>					

POSITIONS:

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

PREPARED BY:

DEPARTMENT:

APPROVED BY:

PHONE:

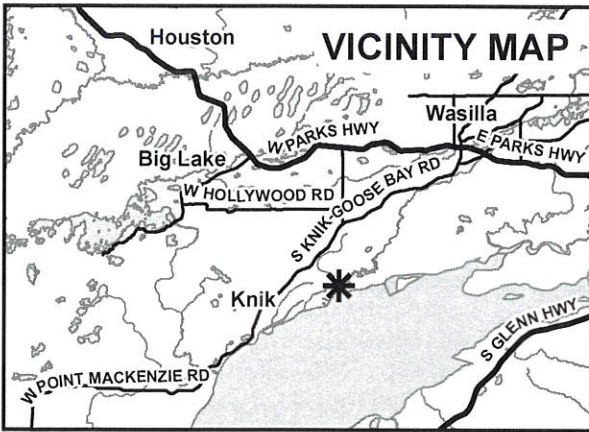
DATE:

DATE:

Chad Jensen

2/21/18

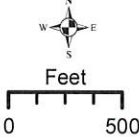




**AFFECTED PARCEL**  
**7717000T00L-1D**

**AFFECTED PARCEL**  
**7492000T00B**

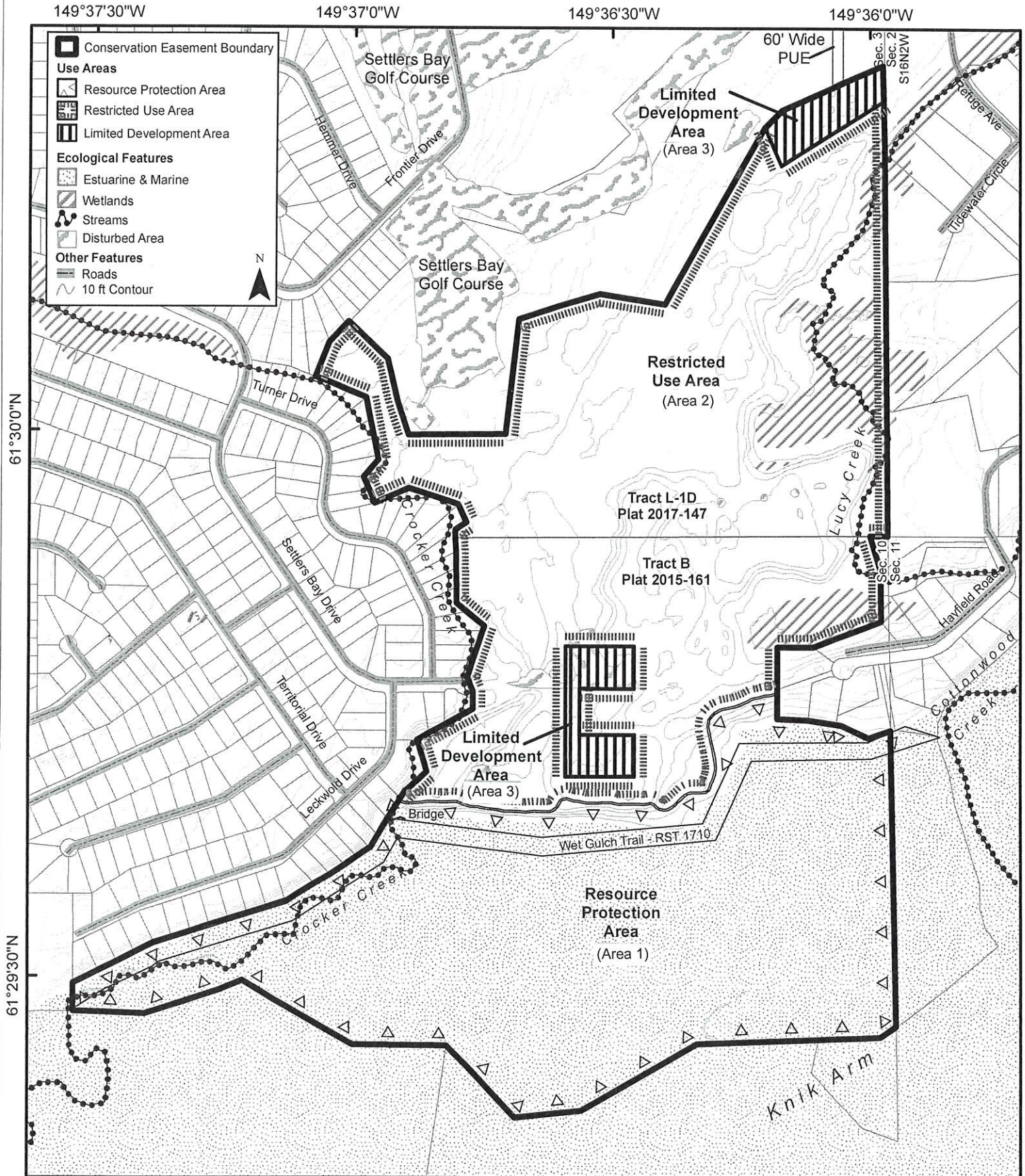
**MSB #007279**  
**Land Acquisition and Conservation Easement**  
S T16N R02W Sec. 03 Tax Map OC 03  
MSB/LRMD January, 2018



1118-013  
0118-006



# SETTLERS BAY COASTAL PARK CONSERVATION EASEMENT MAP



Data Sources:  
 Mat-Su Borough (2011 contours, roads, parcels)  
 Projected Coordinate System:  
 NAD 1983 State Plane Alaska 4 FIPS 5004 Feet  
 Date Saved: 12/18/2017 4:03:33 PM

0 1,000 2,000  
 Feet

This map was produced using the best available data, but should not be used in place of plat and survey maps.

1m 18-013  
 OR 18-006



**From:** Dr. Sue Dean [<mailto:sue@matsuplasticsurgery.com>]  
**Sent:** Thursday, February 08, 2018 5:04 PM  
**To:** Land Management  
**Cc:** Gary ([gfinch55@att.net](mailto:gfinch55@att.net))  
**Subject:** MSB007279 Settlers Bay

Ms. Cameron,

I live in the Secluded Pointe neighborhood. My husband and I purchased our lot at a very significant premium because the hay flat property extending from Cottonwood Creek to the Knik Arm was a private amenity for homeowners in the neighborhood.

Recently Troy Davis "donated" that land to the Settlers Bay Coastal Park. Because he has a majority ownership in the neighborhood at this time it is legal for him to do so, though hardly moral or ethical to do so.

My husband and I purchased our lot after being chased from our previous bluff lot off of Knik Goose Bay Road by a massive Byler 4-plex development. We were horrified that the Mat-Su Borough allowed Mr. Byler to clear cut nearly 35 acres of forest below our property for the 4-plex development. We felt certain that our new location was protected based on the fact that our property extends to the Cottonwood Creek edge. Now we find that we must trust the Borough to carefully manage this "donated" parcel that is essentially our back yard.

I am deeply concerned.

Since my back yard is apparently destined to be a public park, I would respectfully ask the Borough and the Settlers Bay Coastal Park to make this area absolutely off limits to any motorized vehicle, including 4-wheelers, snow machines, scooters, and any derivation of off-road vehicle. I would also ask that the fishing regulations get enforced on this property because we have watched illegal fishing activity in this area with no recourse evident.

This is my back yard for which I paid a hefty price. Please do not allow it to be desecrated any more than Troy Davis Homes has already done.

Susan J. Dean MD  
Mat Su Plastic Surgery  
2490 S Woodworth Loop Ste 310  
Palmer, AK 99645  
907-745-7575



Im 18-013  
OR 18-006



**From:** Gary [<mailto:gfinch55@att.net>]  
**Sent:** Friday, February 09, 2018 7:36 AM  
**To:** Land Management  
**Subject:** MSB007279 Settlers Bay

I am in favor of the donation of the Secluded Pointe/ Troy Davis portion. The picture below show truck tracks from Troy Davis' family and employees driving pick up trucks on the hay flats to snag salmon in 2016, the 1st year they owned the property. At high spring tide the tracks fill with salt water, also when there is heavy rain. They stay pretty muddy when not frozen.

I request that the Great Land Trust do all they can to keep motorized vehicles of any kind off of this property. The marsh grasses are very sensitive and damage can be permanent.

Gary Finch 57492000L00



Sent from my iPad

im 18-013  
OR 18-006

MATANUSKA-SUSITNA BOROUGH  
PARKS, RECREATION AND TRAILS ADVISORY BOARD  
RESOLUTION NO. 17-03

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PARKS, RECREATION, AND TRAILS ADVISORY BOARD SUPPORTING THE PURCHASE OF 295 ACRES OF LAND IN THE SETTLERS BAY NEIGHBORHOOD BY THE GREAT LAND TRUST IN ORDER TO DONATE THE LAND TO THE MATANUSKA-SUSITNA BOROUGH TO BE MANAGED FOR HABITAT AND RECREATION.

WHEREAS, the Great Land Trust is in the process of raising funds to purchase 295 acres of beautiful, undeveloped land adjacent to Knik Arm, in the Knik-Fairview community council area. This parcel is adjacent to the Settlers Bay Golf Course and is within the Settlers Bay neighborhood; and

WHEREAS, the parcel includes 167 acres of beautiful mixed spruce, birch, and poplar forest with rolling terrain that offers magnificent views of Knik Arm and the Chugach Mountains- this area would be perfect for hiking and biking trails.

WHEREAS, the lower 128 acres extends out to Knik Arm and contains salt marsh and coastal wetlands important to 169 species of migratory birds and waterfowl. The property also contains portions of Crocker and Lucy Creek and borders Cottonwood Creek, three important salmon streams, and contains a portion of the historic Iditarod trail, as well as Knik Arm; and

WHEREAS, once purchased, Great Land Trust would like to donate the land to the Matanuska-Susitna Borough to be managed for habitat



and recreation, much like what was done with the Butte Project;  
and

WHEREAS, the Great Land Trust would like the support of the Parks, Recreation, and Trails Advisory Board for this project so that this area will be preserved for recreation in perpetuity.

NOW, THEREFORE, BE IT RESOLVED, that the Parks, Recreation, and Trails Advisory Board supports the Great Land Trust in their efforts to purchase the 295 acres.

Adopted by the Matanuska-Susitna Parks, Recreation, and Trails Advisory Board this 24<sup>th</sup> day of April, 2017.



David Palmer, Chairperson

ATTEST:



Jill Irsik, Admin. Secretary